IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1699 OF 2001

PETITIONER : Mohd. Hashim, son of Mohd. Hanif, aged 59 years, Retired Booking Agent, Opposite Agrasen Bhawan, Near Bus Stand, Bharkapara, Rajnandgaon District Rajnandgaon

Versus

RESPONDENTS : 1. The Managing Director, M.P. State Road Transport Corporation, Habib Ganj, Bhopal

2. Divisional Manager, M.P.State Road Transport Corporation, Raipur Depot

3. The ~~Divisional~~ Manager, M.P.State Road Transport Corporation, Rajnandgaon

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P.No. 1699/2001 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | **10/12/2001 :-**<br>Petitioner by Shri P.S. Koshy, Advocate.<br>Respondent by Shri Dhirendra Mishra, Advocate.<br>Heard.<br>The petitioner in this petition has retired from service. He is yet to receive his retiral benefits. Due to non receipt of retiral benefits the petitioner and his dependants are facing great financial hardship. A prayer has been made that payment of retiral benefits cannot be delayed inasmuch as it is the right of the petitioner to receive such benefits. It has been stated at the Bar time and again that it is no bounty and it is the duty of the competent authority to pay retiral benefits. One and the only reason every time that is placed before this Court is that the department is facing ~~with~~ financial crunch.<br>Shri Dhirendra Mishra, learned counsel appearing for the Department draws my attention to the document dated 29/08/2001 which is said to be a scheme which has been evolved by the department for the purpose of payment of retiral benefits to the employees who has since retired. The scheme proposes to make payment of Rs.5,000/- to the employees of Grade-I and II and Rs.3,000/- to the employees of Grade-III and IV per month. | |

[पीछे देखिये

आदेश पत्रक ( पुर्वानुबद्ध )

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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It has been contended by the counsel representing the Petitioner that the petitioner should be paid at least to begin with a reasonable lump sum.

After giving my anxious consideration to the various submissions made on behalf of the parties, I am of the opinion that since sooner or later the respondent must pay whatever is due to the retired employee and also taking into consideration the hardships caused to employee in the absence of payment of any retiral benefits to him after he has retired from service, it will be just, fair and reasonable to direct the respondent to pay the petitioner a sum of Rs.25,000/- within two months from the date of receipt of this order. Thereafter I direct that the respondents shall make payment strictly in accordance with the scheme that has been placed before this Court until the last paisa is ~~paying~~ paid. Whatever amount has been paid ~~above~~ earlier in accordance with the direction of this Court shall be adjusted.

With the above directions and observations, this petition is disposed of . On failure to pay the money as directed above within the stipulated time the petitioner shall stand entitled to the payment of interest at the rate of 18% per annum.

Let the compliance report be submitted before this Registry.

Certified copy of this order be supplied as per rules.

Sd/-
Chief Justice

GRPRJ—FS/311—1/2001—50,000.